

AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1289

Introduced by Senator Cedillo

February 14, 2006

An act to amend Section 11403 of, and to add Section 11403.5 to, the Welfare and Institutions Code, relating to foster children, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1289, as amended, Cedillo. Foster children: ~~transitional housing and services; continuing aid and transitional services.~~

Existing law provides for programs, such as the Transitional Housing Placement Program and the Supportive Transitional Emancipation Program (STEP), to provide services for foster children making the transition to independent living.

~~This bill would declare the intent of the Legislature to enact legislation to address transitional housing and life skills training requirements for foster children up to the age of 18 years.~~

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, aid is provided to foster children until the age of 18 years, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements.

This bill would allow a child who is in foster care and receiving AFDC-FC aid to receive aid after 18 years of age until 21 years of age, if the foster child is either in continuous attendance at an accredited university or community college, or the equivalent level of vocational or technical training, on a full-time basis, or is continuously employed on a full-time basis, prior to his or her 18th birthday. By expanding the potential class of recipients for aid under the AFDC-FC program, the bill would make an appropriation.

Existing law requires the department to develop statewide standards for the Independent Living Program for emancipated foster youth established pursuant to federal law. Under existing law, counties administer the Independent Living Program, and annually report to the State Department of Social Services regarding county implementation of the program.

This bill would require a county independent living program to provide mandatory, monthly, one-on-one consultations for a foster child 14 years of age or older, focusing on specified issues related to the foster child's impending emancipation from foster care. The bill would require that these consultations only be provided to a foster child residing in a group home, with a case plan for permanency placement, until January 1, 2008. Commencing January 1, 2008, the bill would require these consultations to be provided to any foster child who meets the age requirements specified in the bill.

By placing additional responsibilities on counties administering the AFDC-FC program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) California requires most youth to emancipate from foster*
4 *care at 18 years of age, even though research suggests that most*
5 *young people are not fully self-sufficient until 27 years of age.*

6 *(b) Fifty percent of individuals in the United States between 18*
7 *and 24 years of age live at home with their parents, and that*
8 *number increases to 75 percent when looking at young adults at*
9 *18 years of age.*

10 *(c) In California, 50 percent of former foster youth become*
11 *homeless within the first 18 months after emancipation, and 51*
12 *percent are unemployed.*

13 *(d) Foster youth transitioning to adulthood have great needs*
14 *and face significant challenges, including educational deficits,*
15 *housing instability, mental health problems, economic insecurity,*
16 *victimization, and lack of a support systems.*

17 *(e) The youth who elect to remain in care voluntarily after the*
18 *age of 18 years are generally the most vulnerable youth, who*
19 *need the most direction and support. The more motivated youth*
20 *often have more control over their lives and often choose to leave*
21 *care as soon as possible.*

22 *(f) California is the “parent” of all foster youth in the state,*
23 *and it is the state’s responsibility to assist foster youth in*
24 *attaining the foundation necessary for a successful transition to*
25 *adulthood.*

26 *(g) The California foster care system encourages youths to*
27 *emancipate at 18 years of age, without requiring them to receive*
28 *any sort of life skills, tools that are essential to the survival of*
29 *any youth.*

30 *(h) Research from the Annie E. Casey Foundation suggests*
31 *that ensuring that foster youth receive hands on life skills case*
32 *management services increases the likelihood of educational*
33 *success and reduces the likelihood of negative employment*
34 *outcomes.*

35 *(i) Almost one-half of foster youth who emancipate on their*
36 *18th birthday are unable to support themselves without some*
37 *form of government assistance. Less than 50 percent are*

1 employed, and 90 percent of those who are employed earn less
2 than \$10,000 a year.

3 (j) Researchers at the Chapin Hall Center for Children at the
4 University of Chicago have found that youth who remain in
5 foster care past their 18th birthday are twice as likely to be
6 enrolled in a school or training program as those who have been
7 discharged and over three times as likely to be enrolled in
8 college, and are less likely to become pregnant or parent a child,
9 experience economic hardship, or become involved with the
10 criminal justice system. The Chapin Hall study is at the forefront
11 of foster care research and is the only longitudinal study that
12 tracks older foster youth.

13 (k) Extended time in foster care gives youth the opportunity to
14 make up for educational deficits associated with their
15 maltreatment history and the school mobility that many of them
16 experience while in out-of-home care.

17 (l) Once youth become homeless, no social service money is
18 directed to them. Homeless youth who make their way to shelters
19 find that these facilities are adult-oriented, making a shelter a
20 dangerous setting for a young person. In addition, shelters are
21 often the venue for theft and drug use. Once youth are on the
22 streets, substance abuse becomes one of the largest problems
23 they face.

24 (m) People with a foster care history are overrepresented in
25 the homeless population. Homeless people with a foster care
26 history are more likely than other people to have their own
27 children in foster care.

28 (n) Young people who are emancipated from foster care and
29 become homeless tend to lack the support networks that other
30 people can rely upon in times of crisis.

31 (o) Washington, D.C., and several states, including New York,
32 Illinois, Pennsylvania, Ohio, and Oregon currently allow youths
33 to remain in care beyond 18 years of age.

34 SEC. 2. Section 11403 of the Welfare and Institutions Code is
35 amended to read:

36 11403. (a) A child who is in foster care and receiving aid
37 pursuant to this chapter and who is attending high school or the
38 equivalent level of vocational or technical training on a full-time
39 basis, or who is in the process of pursuing a high school
40 equivalency certificate, prior to his or her 18th birthday, may

1 continue to receive aid following his or her 18th birthday so long
2 as the child continues to reside in foster care placement, remains
3 otherwise eligible for AFDC-FC payments, and continues to
4 attend high school or the equivalent level of vocational or
5 technical training on a full-time basis, or continues to pursue a
6 high school equivalency certificate, and the child may reasonably
7 be expected to complete the educational or training program or to
8 receive a high school equivalency certificate, before his or her
9 19th birthday. Aid shall be provided to an individual pursuant to
10 this section provided both the individual and the agency
11 responsible for the foster care placement have signed a mutual
12 agreement, if the individual is capable of making an informed
13 agreement, which documents the continued need for out-of-home
14 placement.

15 *(b) A child who is in foster care and receiving aid pursuant to*
16 *this chapter and who is either in continuous attendance at an*
17 *accredited university or community college, or the equivalent of*
18 *vocational or technical training, on a full-time basis, or who is*
19 *continuously employed on a full-time basis, prior to his or her*
20 *18th birthday, may continue to receive aid following his or her*
21 *18th birthday, until the foster child reaches 21 years of age. In*
22 *order to be eligible for continued receipt of aid pursuant to this*
23 *subdivision, the foster child shall continue to reside in foster care*
24 *placement, and shall remain otherwise eligible for AFDC-FC*
25 *payments. Aid shall be provided to an individual pursuant to this*
26 *section provided both the individual and the agency responsible*
27 *for the foster care placement have signed a mutual agreement, if*
28 *the individual is capable of making an informed agreement,*
29 *which documents the continued need for out-of-home placement.*

30 SEC. 3. Section 11403.5 is added to the Welfare and
31 Institutions Code, to read:

32 11403.5. (a) A county independent living program shall
33 provide mandatory, monthly, one-on-one case management
34 consultations for foster youth 14 years of age and older, pursuant
35 to this section. These consultations shall focus on high school
36 graduation, future educational goals, housing options after
37 release from foster care, vocational and career counseling and
38 placement, and knowledge of community resources and public
39 benefits, including those offered through the independent living
40 program.

1 (b) *Until January 1, 2008, the consultations required pursuant*
2 *to subdivision (a) shall only be required for a foster child*
3 *residing in a group home whose case plan is for permanency*
4 *placement rather than reunification. Commencing January 2,*
5 *2008, these consultations shall be mandatory for any foster child*
6 *14 years of age and older.*

7 *SEC. 4. If the Commission on State Mandates determines that*
8 *this act contains costs mandated by the state, reimbursement to*
9 *local agencies and school districts for those costs shall be made*
10 *pursuant to Part 7 (commencing with Section 17500) of Division*
11 *4 of Title 2 of the Government Code.*

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~legislation to address transitional housing and life skills training~~
14 ~~requirements for foster children up to the age of 18 years.~~